

REMARKS

In the outstanding Official Action, the Examiner required restriction of the claims in the present application to one of a number of enumerated inventions in accordance with the provisions of 35 U.S.C. § 121. In particular, the Examiner asserted that the claims in the present application are directed to an invention of:

Group I comprising claims 1-15, 18-26 and 28, which are drawn to a market research and merchandise information evaluation system comprising a consumer terminal that functions as a reply apparatus. The Examiner asserted that the Group I claims are classified in Class 705, subclass 10.

Group II comprising claims 16 and 17, which are drawn to a market research system comprising a market research ordering section that places an order for market research. The Examiner asserted that these claims are classified in Class 705, subclass 10.

Group III comprising claims 27 and 29-31, which are drawn to an e-commerce system comprising a reply signal calculating section. The Examiner asserted that the Group III claims are classified in Class 705, subclass 10.

The Examiner asserted that each of the above groups of inventions are distinct because each two of the three groups are related as subcombinations disclosed as usable together in a single combination. The Examiner asserted that the inventions are distinct based on the subcombination/combination relationship and because a search required for each Group is not required for the other Groups.

In response to the Examiner's Restriction Requirement, Applicants have, as noted above, elected Group I comprising claims 1-15, 18-26 and 28 for prosecution in the present

application. Such election is made with traverse for reasons as will be set forth hereinbelow.

In particular, the Examiner asserts that the search for each individual one of the Groups is not required for the other two Groups, Applicants submit that, even if the Examiner's statement is correct, there is nevertheless a significant amount of overlap between the search fields. In particular, Applicants note that each of the Groups of claims are classified in the same class and subclass. In other words, each of the Groups are classified in Class 705, subclass 10. This alone is evidence of the fact at least part (or most likely a substantial part) of the search for each of the individual Groups will also be required for other ones of the Groups. The mere fact that a search field might be slightly extended by different claims is in and of itself an inadequate reason for requiring restriction.

Moreover, Applicants note that each of the claims of the Examiner's Group III are dependent from respective claims of the Examiner's Group I. Accordingly, any search for the claims of Group III will necessarily include the search for the claims of Group I. For this additional reason, it is respectfully submitted that the Examiner's Restriction Requirement is inappropriate and should be withdrawn.

Furthermore, the claims defining each of the various Groups contain a significant amount of overlap. In this regard, Applicants note that each of claims 1 and 16 (Groups I and II, respectively) recite a search signal generating section, a search signal distribution section and a reply signal processing section. This is additional evidence of the overlap between the search fields and the relationship of the subject matter of the various groups.

In addition, the Examiner has not set forth any evidentiary basis, or even alleged, the existence of a serious burden if the Restriction Requirement were not required. In this regard, the Examiner's attention is respectfully directed to MPEP § 803 which explicitly sets forth that "if the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits even though they include claims to independent or distinct inventions".

Accordingly, for each of the above-noted reasons and certainly for all of the above-noted reasons, it is respectfully submitted that the Examiner's Restriction Requirement is inappropriate and improper. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the same and issue an Official Action on the merits of all of claims 1-31 in the present application.

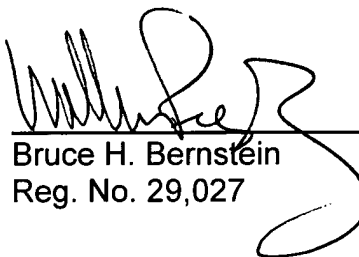
As noted above, should the Examiner choose not to reconsider and withdraw the outstanding Restriction Requirement, Applicants have elected, with traverse, the invention of Group I comprising claims 1-15, 18-26 and 28.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to comply with the Examiner's requirement and have elected, with traverse, one of the Groups of claims identified by the Examiner. Applicants have further traversed the Examiner's requirement and have pointed out significant and substantial reasons for the impropriety of the above-noted Restriction Requirement. Accordingly, Applicants respectfully request reconsideration and withdrawal of the requirement together with an action on the merits of all the claims in the present application. Further, Applicants respectfully request an indication of the allowability of all the claims pending in the present application, in due course.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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